

Minutes

Amherst Charter Commission meeting of Jan. 5, 2017

Members Present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke, Julia Rueschemeyer, Diana Stein, Gerry Weiss. Member Absent: Irv Rhodes. Consultants: Michael Ward and Tanya Stepasiuk. In attendance: Irma Gonzalez, Ted Parker, Larry Kelley, Walter Wolnik, Stephanie O'Keeffe, Jacquelyn Maidana, Kitty Axelson-Berry.

AGENDA

Charter Commission – Thursday, January 5, 2017

7:15pm, Amherst Police Station Community Room

1. Call to order, approve agenda, approve minutes (5 minutes)
2. Continue deliberating on Executive, Legislative, and Citizen Participation/Relief elements (1 hour, 30 minutes)
3. Public comment (10 minutes)
4. Listening sessions update (5 minutes)
5. Remote participation update (5 minutes)
6. Potential meeting with mayor David Narkewicz and Michael Sullivan (5 minutes)
7. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
8. Adjourn

The meeting was called to order at 7:17 p.m. at the Amherst Police Station Community Room. The minutes of the Dec. 19 meeting were approved as amended.

Weiss: Expressed confusion and frustration at the process that has led to the "straw vote". He feels that the hours of listening sessions and the dozens of emails that the commission has received have never been discussed in open meeting, giving the appearance that the vote to get rid of town meeting was predetermined from the start of deliberations. He believes that creating a Mayoral/Council charter will neither heal the divide in our town nor will it stand a chance of receiving a strong majority vote in a town wide election.

Rueschemeyer: It seems we can do better than to fall back on a majority vote. I wanted to be creative in choosing a form of government, and a 5-4 vote leaves people out. There hasn't been enough deliberation, and now we're under time pressure. We should set aside a meeting to talk about ways to improve Town Meeting. I still like the Connecticut model of having a "first selectman" taking on roles similar to those of a mayor, and don't want to see this option written off. I would miss the role of Town Meeting in serving as an incubator of civic involvement.

Churchill: We've been listening to people and have put together a series of values and challenges, which we have each used to evaluate the various options, which we discussed at a number of meetings. We were elected as a cross-section of the community, and we have different ideas. The only ways forward are either consensus or votes. The majority of the commission felt a council is more responsive to the values and challenges, and it was not just whether we will have Town Meeting or not. Keep in mind that if people don't want Town Meeting gone, keeping it is the default (by a vote against a new Charter).

Stein: Many who signed the charter petition in late 2015 wanted to improve Town Meeting. I didn't know that after the straw vote we would start filling in the decision points of a mayor/council system.

Grabbe: I went to all the listening sessions and read all the emails, and I had more than 25 meetings apart from commission meetings, including many with Town Meeting supporters. I collected ideas on ways to

increase citizen participation and agreed to support many ideas suggested by Town Meeting supporters. I feel I've been compromising, in an attempt to win over Town Meeting supporters on the commission, but I failed. At this point, I'm not sure what compromise looks like. If I can't support any plan that includes Town Meeting and Gerry Weiss can't support any plan that doesn't, I don't see what the basis for compromise is.

Gage: I'd like to see a solution without winners and losers. I'd like to explore ways to change Town Meeting so it works better. I went pretty far with changes in my proposal. We didn't discuss making Town Meeting smaller, having it meet four times a year, etc. A compromise would mean something besides a council or Town Meeting, including a way for citizens to get involved and know what's going on. Citizen relief mechanisms is not robust citizen participation. We need to build in safeguards for money (in politics), time etc.

Fricke: The commission has done its homework and I'm proud of how much comment we've taken in. What we've had feels like the beginning of deliberation, not the end. Could we compare a council-mayor system to the best Town Meeting we can come up with, put them side by side and try to persuade each other?

Hanneke: I agree with Tom, but I also think we should use our time with the consultants to further develop the council option, so we can have a better sense of what we're comparing to the Town Meeting option. Many of Meg's ideas will wind up in the final document. I don't want to give up on the possibility of further conversation.

Churchill: The citizen participation part is where the most cross-fertilization has taken place. I'm hearing two ideas: schedule a session comparing mayor/council with Town Meeting; and develop the council proposal more so we know what it means.

Rueschemeyer: I want to develop an improved Town Meeting model. With Rhodes gone for two months, are we not stuck at 4-4? What's our strategy for decision-making?

Churchill: If we're going to change the direction we voted for, it will need more than a tie vote.

Stepasiuk: I'm very nervous about the time line, even if you plow through the council/mayor decision points. We're far behind where we want to be.

Churchill: We have a finite number of sessions with the consultants, so how do we use their time well? Should we have a free-form discussion of options? We can't do in-depth development of two different plans.

Ward: Tanya and I can't be here on the 19th.

Rueschemeyer: Let's set aside discussion of improving Town Meeting for tonight and go full steam ahead on the decision points for mayor/council.

Grabbe: Responding to Stein, I collected 180 signatures in the petition drive, and didn't hear people say they wanted the commission to tinker with Town Meeting. The TMCC is doing this.

Weiss: I think we should discuss Town Meeting more, although I don't think the vote is going to change. Are we prepared to present voters with a 5-4 recommendation?

Hanneke: I move to end discussion, and that at this meeting and our next meeting we talk about the mayor/council proposal, and then on the 19th, discuss the town meeting and council options together.

Stein: Could there be two governmental options on the ballot, if the TMCC provides an alternative?

Churchill: Town Meeting can change itself, and the alternative to the commission's plan at the election will be whatever form Town Meeting has at the time. It won't be a choice between two new options.

Stein: Can Town Meeting vote to change its size?

Stepasiuk: No, it takes a Special Act of the State House to do that.

Hanneke's motion passed on an 8-0 vote.

The commission started work on the specifics of a mayor/council system at 8:03 p.m. Stepasiuk said that the terms ward, district and precinct are interchangeable, but if any are combined, they must be contiguous.

Gage said she favored 30 members of a council, with 10 at large and two from each precinct. Grabbe responded that such a size proved too unwieldy on the Comprehensive Plan Committee. Stein said she'd like the council to be as big as possible and suggested 15, with five at large, citing Barnstable.

Fricke favored 11 to 13 council members, a size that enables voters to track their district and at-large councilors. Hanneke favored 13 to 15, with three or five at large and one per precinct.

Churchill favored 13, and suggested pairing precincts to create five wards with two councilors for each, on the theory that if there's one strong candidate in a precinct, he'd worry that residents would assume no one else could get elected. Rueschemeyer said she likes that idea, but Hanneke said Churchill's system could result in both ward councilors being from one neighborhood.

Fricke moved to have a 13-member council, with three at large and 10 representing each precinct. The vote was 5-1-2, with Gage voting no and Stein and Weiss abstaining.

Grabbe suggested giving at-large councilors four-year terms and district councilors two-year terms, an innovation proposed by the Framingham Charter Commission. He said this gives at-large more time to develop a long-range view of the town, and gives residents more opportunity to unseat district councilors if they are unhappy. Ward said there is a move in the state to four-year mayoral terms, with at-large councilor elections in the off-years. Grabbe's plan for different length terms for at-large and district councilors was endorsed on a vote of 8-0-1, with Weiss abstaining.

There was a discussion of whether non-citizens would be eligible for the council, and Stepasiuk said she would look into it, though some council functions may require citizenship.

On the question of how long a council member would have to wait before holding a compensated appointed position, Stein and Churchill said they favor one year. Gage favored three years and a three-quarters vote required for a waiver. A consensus developed around 18 months and a three-quarters requirement for a waiver.

On interference by councilors with the executive, Grabbe cited instances of Northampton councilors going to DPW personnel and asking for work in their neighborhoods. Ward said the council can adopt a code of conduct.

On compensation for council members, in Northampton they receive \$9,000 to \$10,000 a year and Grabbe said that in Greenfield they received no compensation for many years, but \$2,000 a year has recently been voted. Stein suggested that any compensation increase be voted by a three-fourths majority of the full council, and that was adopted by consensus. Hanneke suggested that any increase in compensation be voted at least two months before the next election. Stepasiuk said she will work on the wording.

The specifics of the mayor-council system will be addressed again at the next meeting. Stepasiuk recommended the Newton Charter Commission's web site, which includes a lot of research.

PUBLIC COMMENT

O'Keeffe said the Open Meeting Law can make deliberation difficult, because no opinions can be shared ahead of meetings, and noted that a manager is not subject to the law. She said she would like to reduce rancor in town, though that's not about structure or "an org chart" but is the responsibility of the people filling the positions.

Wolnik spoke about reducing the size of Town Meeting to 60.

OTHER BUSINESS

Churchill said he isn't sure it makes sense to schedule more listening sessions in January, because there's a lot going on and the commission's recommendations are in flux. It was agreed to schedule them in late February or early March.

On remote participation, Churchill reported that the town manager will bring the issue to the Select Board on Monday and anticipates a vote two weeks later.

Churchill said that Mayor Narkewitz of Northampton and Town Manager Sullivan of South Hadley (former Holyoke mayor as well) are available to attend the meeting of Jan. 25, to give the Commission a chance to hear more about the mayor, manager, and councilor roles, and be available for Commissioner questions. Mayor Narkewitz knows Amherst from the time he served as John Olver's district aide. Churchill said the Commission could provide some questions in advance for the visitors to answer. He said that in the next meeting we could decide 1. if we want to proceed with interviewing them and 2. discuss questions to ask if we do.

The agenda for the next meeting will include a timeline update, continued deliberations on legislative, executive, and citizen relief articles, and planning for the Jan. 19 meeting.

The meeting adjourned at 9:31 p.m.

Respectfully Submitted,
Nick Grabbe